

EXHIBIT A



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April 25, 2012

VIA E-MAIL AND U.S. MAIL

Seth Leventhal, Esq.
LEVENTHAL PLLC
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**Re: *Robyn Smith, et al. v. Blitz U.S.A., Inc., et al.*, Case No. 0:11-cv-01771,
United States District Court for the District of Minnesota-Fergus Falls
Div.**

Dear Mr. Leventhal:

I have reviewed Kinderhook Capital Fund II, L.P. and Kinderhook Industries, LLC's Rule 26(a)(1) Initial Disclosures dated April 9, 2012. *See* Exhibit "A," attached hereto.

Please be advised that the Defendants' objection is not recognized under Fed. R. Civ. P. 26(a)(1)(D). Accordingly, Plaintiff requests that the Kinderhook Defendants immediately provide their initial disclosures as required under the rule.

I am available to discuss this matter further with you in accordance with LR 37.1.

Thank you for your attention to this matter.

FOR THE FIRM

A handwritten signature in black ink, appearing to be "A. Cheskis", written over a horizontal line.

Anton Cheskis
acheskis@siebenpolklaw.com

AC/cb

cc:

Timothy P. Harkness, Esq. – *Via Email only*
Dan Haltiwanger, Esq – *Via Email only*
Ron McLean, Esq. – *Via Email only*

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ROBYN SMITH for DEVAN
VANBRUNT, a Minor, by his Mother and
Natural Guardian,

Court File No.: 0:11-cv-01771
(RHK/LIB)

Plaintiff,

v.

BLITZ U.S.A. INC., WAL-MART
STORES, INC., WAL-MART STORES
EAST, LP, WAL-MART STORES EAST,
INC., KINDERHOOK CAPITAL FUND II
L.P., and KINDERHOOK INDUSTRIES,
LLC,

**DEFENDANTS KINDERHOOK
CAPITAL FUND II, L.P. AND
KINDERHOOK INDUSTRIES, LLC'S
RULE 26(A)(1) DISCLOSURES**

Defendants.

Defendants Kinderhook Industries, LLC and Kinderhook Capital Fund II, L.P. (together, the "Kinderhook Defendants") respectfully submit, by special appearance, this disclosure statement pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

The Kinderhook Defendants filed a Motion to Dismiss or, in the alternative, Stay the claim against them (the "Motion to Dismiss") on March 29, 2012. Arguments on the Motion to Dismiss are scheduled to be heard by this Court on June 18, 2012. The Kinderhook Defendants submit that any disclosure of documents or information at this time is premature, as this Court has not yet determined whether it has personal jurisdiction over the Kinderhook Defendants, or that Plaintiffs have stated a claim against the Kinderhook Defendants upon which relief can be granted.



Pursuant to Fed. R. Civ. P. 26(e), the Kinderhook Defendants will supplement the disclosures made herein in the event that the Motion to Dismiss is denied or initial disclosures are ordered by the Court.

Dated: April 9, 2012

By: s/Seth Leventhal

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